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DEPARTMENT  
ENVIRONMENTAL QUALITY



October 29, 1981

Mr. Jim Humston  
Iowa DEQ  
Air & Land Quality Div.  
Henry A. Wallace Bldg.  
Des Moines, IA 50219

Dear Mr. Humston:

For the reasons outlined below, Waterloo Industries is of the opinion that we do not produce and/or store over 90 days any material considered to be hazardous waste. It is our assumption that this would exempt us from RCRA Regulation.

Our waste paint sludge has been submitted to the state of Iowa for test and found to be nonhazardous. The other questionable material, which is a spent solvent, is recycled for use again. This material is picked up, tested and recycled by Hydrite Chemical Co. Another Waterloo division using identical solvent, located in Pocahontas, Ark., has received letters from the Arkansas Dept. of Pollution Control & Ecology and the U.S. Environmental Protection Agency, Dallas, TX, Regional Office, that state that the solvent they use, and their method of use, classify them as nonhazardous.

The Waterloo Iowa division uses the same solvents in the same manner as the Arkansas division. This is the basis of our assumption that our solvents are also classified as nonhazardous.

If the facts stated above and our assumptions are correct, we want to apply for a nonhazardous classification from the Iowa DEQ.

To comply with Federal Regulations, we want to report that in the 1950's and early 1960's the same waste paint sludge mentioned above was dumped on company property. Since that time, the area has been filled in and buildings have been constructed over the area. We assume that the paint waste was non-hazardous but felt that it should be reported.

Your consideration on this matter will be appreciated. If any further assistance is needed, please feel free to contact the writer.

Respectfully,

A handwritten signature in cursive script, appearing to read "Barney Skiles".

Barney Skiles  
Plant Engineer

BCS/mw



R00404080

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ARKANSAS DEPARTMENT OF POLLUTION CONTROL AND ECOLOGY

MEMORANDUM

TO: Waterloo Industries I.S.S. File

FROM: Mike Bates, Hazardous Waste Inspector

DATE: September 28, 1981

SUBJECT: I.S.S. Inspection

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MB Nov 2 10 24 AM '81

DEPARTMENT  
ENVIRONMENTAL QUALITY

I conducted an I.S.S. inspection at Waterloo Industries on September 17, 1981. Waterloo had mis-listed their waste codes for spent solvents using the 261.33(f) list instead of the 261.31 lists. During the discussion with Mr. Bill Britt of Waterloo about the nature of the waste and how to properly classify it I suggested that he call Marty Allen, Region VI, EPA for guidance.

Mr. Britt described the solvent which is used to clean paint guns as a mixture of toluene, xylene, "Aromatic 100 and 150 and other ingredients. Toluene and xylene are listed wastes with EPA codes of F005 and F003 respectively if designated as "spent solvents". Mr. Britt placed a call to Marty Allen in my presence via a speaker phone and asked him how his waste solvents should be listed.

Marty Allen related that because the solvent is a "blend" of different types of solvents the 261.31 lists would not apply to the waste; instead the characteristics of a hazardous waste would have to be applied to the waste. If the waste consisted of a single solvent, such as toluene and it was mixed with another compatible single solvent waste such as MEK from another process then the 231.31 lists and codes would still be applicable. This interpretation stems from the petition of Saftey Kleen Corporation for clarification to Washington EPA (see attachments).

This being the case, Waterloo is not regulated under RCRA. The paint waste originally notified for has been delisted and does not exhibit any of the hazardous waste characteristics. The spent solvents would fit the characteristics of ignitability but is exempted under 261.6 because it is reclaimed by Diaz Refinery, Inc. and reused.

The surface impoundment listed on the Part A to handle water from painting operations (F018) was closed out in August of 1981. The water in the ponds was aerated to speed evaporation, the remainder was pumped to the on-site wastewater treatment plant. The empty impoundment was covered. The waste in the impoundment was a delisted waste - the closure did not require the submittal and reapproval of a closure plan.

This facility should be reclassified a Non-generator - generating an exempted hazardous waste.

MB/rlb

File  
(1) Reclaimed Solvent  
(2) Hazardous waste  
Rec 10/9/81  
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF SOLID WASTE

JUL 21 1981

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

Mr. Theodore H. Mueller  
Safety-Kleen Corporation  
655 Big Timber Road  
Elgin, Illinois 60120

Dear Mr. Mueller:

This letter responds to the concerns raised in Safety-Kleen's "Petition for Clarification or Modification of Regulation," which you submitted to the Environmental Protection Agency on April 6, 1981.

According to the facts stated in the petition and at the May 27 meeting, Safety-Kleen distributes two types of small parts cleaning solvents to its customers. The solvents are a mineral spirits solvent and a chlorinated, water-phase solvent containing approximately 14% cresylic acid, 29% methylene chloride, 29% o-dichlorobenzene, and 28% water with a surfactant. The solvents are distributed through a closed-loop system in which solvent from the company's reprocessing facilities is delivered in company-owned trucks to regional service centers where it is stored for subsequent delivery to the company's customers. This solvent is then delivered under a lease arrangement to the customer in cleaning equipment supplied by Safety-Kleen or other companies. Following use, the solvent is returned to the company's reprocessing facilities. The spent solvent is then transported to the reprocessing facilities for recycling.

The petition submitted by Safety-Kleen requests EPA to issue a statement clarifying the meaning of the term "solid waste" in 40 CFR §261.2. The petition stated that the definition of "solid waste" in the Resource Conservation and Recovery Act was not intended to include materials recycled in a closed-loop system of the sort used by Safety-Kleen.

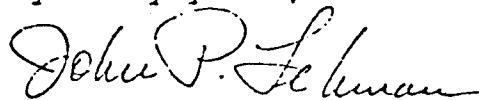


because the materials in such a system are never discarded. Clarification was requested because Safety-Kleen believes that EPA's definition of "solid waste" can be interpreted as including some materials that are not discarded in a given industrial operation but that are discarded in others. Alternatively, Safety-Kleen requested that the regulation defining solid waste be modified to include only materials that are in fact discarded in the industrial operation in which they are created.

We have decided that the agency need not act on Safety-Kleen's petition at this time. Based on the facts contained in the petition, and additional information presented at the meeting, we have determined that neither of the solvents distributed by Safety-Kleen is presently listed as hazardous waste in 40 CFR §261, Subpart D. At the May 27 meeting, we pointed out that the spent mineral spirits solvent is not a listed waste, but sought further information on the chlorinated solvent distributed by Safety-Kleen. We recently advised you, and hereby confirm, that the spent chlorinated solvent is also not a listed waste. Although the solvent contains materials that are contained in wastes listed in 40 CFR 261.31, it is our interpretation that the regulations are intended to apply to spent solvents identifiable as any technical grades of the chemical that is produced or marketed and not to mixtures otherwise containing the chemical. Safety-Kleen's chlorinated solvent is a mixture of cresylic acid, methylene chloride, o-dichlorobenzene and water. The company's spent solvent thus does not constitute a waste listed in Subpart D of Part 261 and is not considered a listed waste.

Thus, Safety-Kleen's spent solvents would only be hazardous because they exhibit any of the four characteristics identified in 40 CFR §261, Subpart C. Because non-listed hazardous wastes are not subject to regulation at this time if they are being beneficially recycled or stored for that purpose, (see 40 CFR §261.6(a)), the regulations already provide the relief sought in your petition. Thus, we plan no further actions on your request. Please contact Matt Straus of my staff if you have any further questions. Mr. Straus can be reached at (202) 755-9187.

Very truly yours,



John P. Lehman  
Director

Hazardous & Industrial Waste Division (WH-565)